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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 RICHARD G. HUMPHRIES,

9 Plaintiff,

10 v.

11 JACOB M. WARD, *et al.*,

12 Defendants.

Case No. C17-1397-RAJ-MAT

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

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14 This is a civil rights action brought under 42 U.S.C. § 1983. This matter comes before the
15 Court at the present time on plaintiff's motion for appointment of counsel. The Court, having
16 reviewed plaintiff's motion, and the balance of the record, hereby finds and ORDERS as follows:

17 (1) Plaintiff's motion for appointment of counsel (Dkt. 4-10) is DENIED. There is no
18 right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court,
19 under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma*
20 *pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789
21 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe*
22 *v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an
23 evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate

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1 his claims pro se in light of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

2 While the Court has determined that plaintiff's complaint is deficient and must therefore
3 be amended if he wishes to proceed with this action, plaintiff gives no indication that he lacks the
4 ability to articulate his claims *pro se*. As for plaintiff's likelihood of success on the merits of his
5 claims, it appears unlikely that the Court will even reach the merits of plaintiff's claims given that
6 the action appears to have been filed after the expiration of the applicable statute of limitations.
7 Based on the information available to the Court at this time, this Court must conclude that plaintiff
8 has not demonstrated that his case involves exceptional circumstances which warrant the
9 appointment of counsel.

10 (2) The Clerk is directed to send copies of this Order to plaintiff and to the Honorable
11 Richard A. Jones.

12 DATED this 17th day of October, 2017.

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15 Mary Alice Theiler
16 United States Magistrate Judge
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